

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference US030442WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2004/003570	International filing date (<i>day/month/year</i>) 01 November 2004 (01.11.2004)	Priority date (<i>day/month/year</i>) 07 November 2003 (07.11.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KONINKLIJKE PHILIPS ELECTRONICS, N.V.			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																	
<p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 85%;">Box No. I Basis of the report</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input checked="" type="checkbox"/>	Box No. II Priority	<input checked="" type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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<p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>																	

Date of issuance of this report 08 May 2006 (08.05.2006)	
<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 740 14 35</p>	<p>Authorized officer Cecile Chatel</p> <p>Telephone No. +41 22 338 70 60</p>

PATENT COOPERATION TREATY

REC'D 31 JAN 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/IB2004/003570 ✓

International filing date (day/month/year)
01.11.2004 ✓

Priority date (day/month/year)
07.11.2003 ✓

International Patent Classification (IPC) or both national classification and IPC
A61B8/00, A61B8/06, G10K11/34

Applicant
KONINKLIJKE PHILIPS ELECTRONICS, N.V. ✓

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/003570

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/003570

Box No. II Priority

1. The following document has not been furnished:
 - copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 - translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/003570

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application,
 claims Nos. 1-14

because:

- the said international application, or the said claims Nos. 1-14 relate to the following subject matter which does not require an international preliminary examination (*specify*):

see separate sheet

- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- no international search report has been established for the whole application or for said claims Nos. 1-14
- the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
- | | |
|----------------------------|--|
| the written form | <input type="checkbox"/> has not been furnished |
| | <input type="checkbox"/> does not comply with the standard |
| the computer readable form | <input type="checkbox"/> has not been furnished |
| | <input type="checkbox"/> does not comply with the standard |
- the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
- See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/003570

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	15-19
Inventive step (IS)	Yes: Claims	
	No: Claims	15-19
Industrial applicability (IA)	Yes: Claims	15-19
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)
and / or
2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2004/003570

Reference is made to the following documents:

D1: US-A-5 860 931

D2: US-A-5 944 666

Re Item III

Claims 1-14 relate to methods for treatment of the human body by surgery (Rule 67.1(iv) PCT). The reasons are as follows.

The methods claimed in independent **claims 1** and **11** implicitly require the administration of an ultrasound contrast agent containing microbubbles to the living human or animal body. The administration of ultrasound contrast agents is generally performed by way of injection or infusion, for instance intravenously. The administration of the ultrasound contrast agent containing microbubbles is, therefore, considered a surgical step, by means of which the claimed methods as a whole are considered to be methods for treatment by surgery.

Therefore, an opinion with respect to novelty, inventive step and industrial applicability is not established for **claims 1-14** (Art. 34(4)(a)(I) PCT).

Re Item V

- 1 The subject-matter of independent **claim 15** lacks novelty according to Art. 33(2) PCT. The reasons are as follows.
 - 1.1 Document D1 (see fig. 1, col. 1, l. 28-30) discloses an ultrasound imaging system (100) comprising
 - (a) an ultrasound scanhead (160) having a plurality of array transducer elements (see figs. 1, col. 4, l. 27-32),
 - (b) a transmitter (165, 120) coupled to the scanhead, the transmitter being operable

to couple a first signal to a first plurality of the transducer array elements having an intensity that causes broad ultrasound waves to be generated by the array transducer elements with a sufficient amplitude to destroy microbubbles in tissues insonified by the ultrasound, the transmitter further being operable to couple a second signal to a group of transducer elements having an intensity that causes focused ultrasound to be generated by the array transducer elements with an insufficient amplitude to destroy significant amounts of microbubbles in tissue insonified by the ultrasound (see figs. 1, 5, col. 8, l. 58-60, col. 4, l. 7-14, 24-43, col. 9, l. 11-16, 23-34),

- (c) an ultrasound receiver (165, 125, 170) coupled to the scanhead, the receiver operable to couple respective ultrasound reflection signals from the transducer elements in response to the second signal (see fig. 1, col. 8, l. 60-65),
- (d) a processor (110, 175, 195) coupled to the transmitter to couple the first signal to elements of the transducer array and then repetitively couple the second signal to the transducer elements, the processor further being coupled to the ultrasound receiver and being operable to process signals from the receiver generated responsive to the ultrasound reflection signals (see fig. 1, col. 9, l. 21-52),
- (e) a display device (145) coupled to the processor for displaying ultrasound images generated from the processed signals from the receiver (see fig. 1, col. 9, l. 52-56).

Accordingly, all features of **claim 15** are known from document D1.

- 1.2 It is noted that the system of **claim 15** also appears to be anticipated by the disclosure of document D2 (see the passages cited in the international search report).
- 2 Dependent claims 16-19 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty according to Art. 33(2) PCT. The additional features defined in these claims appear to be known from document D1 (see the passages cited above and in the international search report).